

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 09-64800

EUGENE MITCHELL BILEWICZ

Chapter 13

Debtor.

Judge Thomas J. Tucker

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**ORDER REQUIRING DEBTOR'S ATTORNEY TO SUPPLEMENT FEE  
APPLICATION, AND TO FILE AND SERVE A 21-DAY NOTICE**

This case is before the Court on a fee application filed by counsel for the Debtor on December 8, 2009 (Docket # 39). The Chapter 13 Trustee filed an objection to the fee application, but that objection has been resolved by a stipulation filed on January 29, 2010. (*See* Docket # 45.) The Court concludes, however, that it cannot yet grant the fee application, for the following reasons.

First, the fee application does not comply with L.B.R. 2016-1(a)(3) (E.D. Mich.). The second sentence of that local rule states that “in a chapter 13 case, a pre-confirmation or post-confirmation fee application that requests approval of fees and expenses totaling more than \$3,500.00 in that application shall specifically identify the circumstances of the case that make the amount requested reasonable.” The fee application does not satisfy this requirement. In this regard, Debtor’s attorney should read this Court’s order in *In re Burbank*, Case No. 09-52942 (Docket # 66 in that case)(a copy of which also is available in the opinions database on the Courts website, at: <http://www.mieb.uscourts.gov/courtOpinions/opinions/09-52942.pdf>).

Second, the Applicant’s notice of the fee application (Ex. 4 of Docket # 39) states, in relevant part, that parties in interest who oppose the Court granting the fee application, must [f]ile a written response or an answer [to the fee application] “within TWENTY (20) days.” But

the fee application was filed after the December 1, 2009 effective date of the national and local rule amendments, so a **21-day** notice of the fee application was required.

The Applicant must correct these problems. Accordingly,

IT IS ORDERED that no later than **February 8, 2010**, the Applicant must:

- (1) file a supplement to its fee application so that it fully complies with L.B.R. 2016-1(a)(3); and
- (2) file and serve on the Debtors, the Trustee, and all creditors a corrected, 21-day notice of the fee application, and proof of such service. The 21-day notice must state that any party in interest who opposes the granting of the fee application must file with the Court a written response or answer **within 21 days** after service of the notice.

The Court will consider the fee application after the supplement is filed and the new deadline for objections has passed. If no objections are filed within the new, 21-day objection period, the Applicant should then promptly file a new certificate of no response and submit a new proposed order.<sup>1</sup>

**Signed on February 01, 2010**

/s/ Thomas J. Tucker  
**Thomas J. Tucker**  
**United States Bankruptcy Judge**

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<sup>1</sup> This Debtor's attorney had these very same problems in another case recently, *In re Kub*, Case No. 09-52512. The Court entered an order very much like this one in the *Kub* case, on January 11, 2010, requiring similar actions by Debtor's counsel Mr. Gudeman by January 15, 2010. To date, Mr. Gudeman has failed to take any such actions in the *Kub* case.